

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 506 be amended to read as follows:

- 1 Page 1, delete lines 1 through 15, begin a new paragraph and insert:
2 "SECTION 1. IC 3-5-2-22 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. **(a) Except as**
4 **provided in subsection (b), "executive" means:**
5 (1) ~~board of county commissioners~~ for a county not having a
6 consolidated city:
7 **(A) before January 1, 2013, the board of county**
8 **commissioners; and**
9 **(B) after December 31, 2012:**
10 **(i) the board of county commissioners elected under**
11 **IC 36-2-2 (in a county in which the voters determine in**
12 **a public question under IC 36-2-3.9 in 2010 to not**
13 **reorganize county government and in which the county**
14 **has not reorganized county government under**
15 **IC 36-2-3.9-8);**
16 **(ii) the chief executive officer elected under IC 36-2-2.5**
17 **(in a county subject to IC 36-2-2.5); or**
18 **(iii) the board of county supervisors elected under**
19 **IC 36-2-3.8 (in a county subject to IC 36-2-3.8);**
20 **(2) for a county having a population of more than four**
21 **hundred thousand (400,000) but less than seven hundred**
22 **thousand (700,000), the board of county commissioners;**
23 ~~(2)~~ **(3) the mayor of the consolidated city, for a county having a**
24 consolidated city;
25 ~~(3)~~ **(4) the mayor, for a city;**
26 ~~(4)~~ **(5) the president of the town council, for a town; or**
27 ~~(5)~~ **(6) a trustee, for a township.**
28 **(b) This subsection applies to a county not having a consolidated**
29 **city (excluding a county having a population of more than four**
30 **hundred thousand (400,000) but less than seven hundred thousand**
31 **(700,000)), in which a majority of voters approve a reorganization**

of county government in a public question under IC 36-2-3.9-8.
Effective January 1 following the election of the county executive,
"executive" means:

(1) the chief executive officer elected under IC 36-2-2.5 (in a
county subject to IC 36-2-2.5); or

(2) the board of county supervisors elected under IC 36-2-3.8
(in a county subject to IC 36-2-3.8);

as determined by the voters of the county under IC 36-2-3.9-8."

Page 2, delete lines 1 through 6.

Page 2, line 8, delete "This subsection applies to".

Page 2, line 9, delete "elections before 2012".

Page 2, delete lines 22 through 42, begin a new paragraph and
insert:

"SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be
printed in substantially the following form for all the offices for which
candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark
(X or ✓) on or in the box before the person's name in the proper
column. For optical scan ballots, print: To vote for a person, darken or
shade in the circle, oval, or square (or draw a line to connect the arrow)
that precedes the person's name in the proper column. For optical scan
ballots that do not contain a candidate's name, print: To vote for a
person, darken or shade in the oval that precedes the number assigned
to the person's name in the proper column. For electronic voting
systems, print: To vote for a person, touch the screen (or press the
button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on
the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

- 1 (A) Judge of the circuit court, and unless otherwise specified
- 2 under IC 33, with each division separate if there is more than
- 3 one (1) judge of the circuit court.
- 4 (B) Judge of the superior court, and unless otherwise specified
- 5 under IC 33, with each division separate if there is more than
- 6 one (1) judge of the superior court.
- 7 (C) Judge of the probate court.
- 8 (D) Judge of the county court, with each division separate, as
- 9 required by IC 33-30-3-3.
- 10 (E) Prosecuting attorney.
- 11 (F) Circuit court clerk.
- 12 (4) **The following** county offices:
- 13 (A) County auditor.
- 14 (B) County recorder.
- 15 (C) County treasurer.
- 16 (D) County sheriff.
- 17 (E) County coroner.
- 18 (F) County surveyor.
- 19 (G) County assessor.
- 20 (H) County commissioner. **However, for elections after 2010,**
- 21 **county commissioners shall be elected only in a county:**
- 22 (i) **having a population of more than four hundred**
- 23 **thousand (400,000) but less than seven hundred thousand**
- 24 **(700,000); or**
- 25 (ii) **in which the voters determine in a public question**
- 26 **under IC 36-2-3.9 in 2010 to not reorganize county**
- 27 **government and in which the county has not reorganized**
- 28 **county government under IC 36-2-3.9-8.**
- 29 (I) **County chief executive officer, for elections in 2012 and**
- 30 **thereafter, shall be elected only in a county:**
- 31 (i) **in which the county executive determines under**
- 32 **IC 36-2-2.4 that the chief executive officer shall be the**
- 33 **county executive; or**
- 34 (ii) **in which voters determine in a public question under**
- 35 **IC 36-2-3.9-8 to elect a county chief executive officer.**
- 36 ~~(J)~~ (J) **County council member in a county:**
- 37 (i) **having a population of more than four hundred**
- 38 **thousand (400,000) but less than seven hundred thousand**
- 39 **(700,000);**
- 40 (ii) **in which the county executive determines under**
- 41 **IC 36-2-2.4 that the voters shall elect a county council;**
- 42 (iii) **in which the voters determine in a public question**
- 43 **under IC 36-2-3.9-8 to elect a county council; or**
- 44 (iv) **in which the voters determine in a public question**
- 45 **under IC 36-2-3.9 in 2010 to not reorganize county**
- 46 **government and in which the county has not reorganized**
- 47 **county government under IC 36-2-3.9-8.**

(K) Board of county supervisors member, for elections in 2012 and thereafter (in a county subject to IC 36-2-3.8) in a county:

(i) in which the county executive determines under IC 36-2-2.4 that the voters shall elect a board of county supervisors;

(ii) in which the voters determine in a public question under IC 36-2-3.9 at the general election in 2010 to elect a board of county supervisors; or

(iii) in which voters determine in a public question under IC 36-2-3.9-8 to elect a board of county supervisors.

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

(1) Precinct committeeman.

(2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

(1) School board offices to be elected at the primary election.

(2) Other local offices to be elected at the primary election.

(3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

(2) County auditor.

(3) County recorder.

(4) County treasurer.

(5) County sheriff.

(6) County coroner.

(7) County surveyor.

(8) County assessor.

(9) County commissioner. **However, for elections after 2010, county commissioners shall be elected only in a county:**

(A) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.

(10) County chief executive officer, for elections in 2012 and thereafter, shall be elected only in a county:

(A) in which the county executive determines under IC 36-2-2.4 that the chief executive officer shall be the county executive; or

(B) in which the voters determine in a public question under IC 36-2-3.9-8 to elect a county chief executive officer.

~~(10)~~ **(11) County council member. However, for elections after 2010, county council members shall be elected only in a county:**

(A) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

(B) in which the county executive determines under IC 36-2-2.4 that the voters shall elect a county council;

(C) in which the voters choose in a public question under IC 36-2-3.9-8 to elect a county council; or

(D) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.

(12) Board of county supervisors member, for elections in 2012 and thereafter, in a county:

(A) in which the county executive determines under IC 36-2-2.4 that the voters shall elect a board of county supervisors under IC 36-2-3.9;

(B) in which the voters determine in a public question under IC 36-2-3.9 at the general election in 2010 to elect a board of county supervisors; or

(C) in which voters determine in a public question under IC 36-2-3.9-8 to elect a board of county supervisors.

~~(11)~~ **(13) Township trustee.**

~~(12)~~ **(14) Township board member.**

~~(13)~~ **(15) Township assessor (only in a township referred to in IC 36-6-5-1(d)).**

~~(14)~~ **(16) Judge of a small claims court.**

~~(15)~~ **(17) Constable of a small claims court.**

SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

- 1 (E) Prosecuting attorney.
- 2 (F) Clerk of the circuit court.
- 3 (4) **The following** county offices:
- 4 (A) County auditor.
- 5 (B) County recorder.
- 6 (C) County treasurer.
- 7 (D) County sheriff.
- 8 (E) County coroner.
- 9 (F) County surveyor.
- 10 (G) County assessor.
- 11 (H) County commissioner. **However, for elections after 2010,**
- 12 **county commissioners shall be elected only in a county:**
- 13 (i) **having a population of more than four hundred**
- 14 **thousand (400,000) but less than seven hundred thousand**
- 15 **(700,000); or**
- 16 (ii) **in which the voters determine in a public question**
- 17 **under IC 36-2-3.9 in 2010 to not reorganize county**
- 18 **government and in which the county has not reorganized**
- 19 **county government under IC 36-2-3.9-8.**
- 20 (I) **County chief executive officer, for elections in 2012 and**
- 21 **thereafter, shall be elected only in a county:**
- 22 (i) **in which the county executive determines under**
- 23 **IC 36-2-2.4 that the chief executive officer shall be the**
- 24 **county executive; or**
- 25 (ii) **in which voters determine in a public question under**
- 26 **IC 36-2-3.9-8 to elect a county chief executive officer.**
- 27 ~~(J)~~ (J) **County council member in a county:**
- 28 (i) **having a population of more than four hundred**
- 29 **thousand (400,000) but less than seven hundred thousand**
- 30 **(700,000);**
- 31 (ii) **in which the county executive determines under**
- 32 **IC 36-2-2.4 that the voters shall elect a county council;**
- 33 (iii) **in which the voters determine in a public question**
- 34 **under IC 36-2-3.9-8 to elect a county council; or**
- 35 (iv) **in which the voters determine in a public question**
- 36 **under IC 36-2-3.9 in 2010 to not reorganize county**
- 37 **government and in which the county has not reorganized**
- 38 **county government under IC 36-2-3.9-8.**
- 39 (K) **Board of county supervisors member, for elections in**
- 40 **2012 and thereafter, in a county:**
- 41 (i) **in which the county executive determines under**
- 42 **IC 36-2-2.4 that the voters shall elect a board of county**
- 43 **supervisors;**
- 44 (ii) **in which the voters determine in a public question**
- 45 **under IC 36-2-3.9 at the general election in 2010 to elect**
- 46 **a board of county supervisors; or**
- 47 (iii) **in which voters determine in a public question under**

IC 36-2-3.9-8 to elect a board of county supervisors.

(5) Township offices:

- (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.

(6) City offices:

- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.

(7) Town offices:

- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member."

Delete pages 3 through 6.

Page 7, delete lines 1 through 41.

Page 9, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 11. IC 13-11-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 74. **(a) Except as provided in subsection (b), "executive" means the following:**

(1) **Before January 1, 2013, the** board of commissioners of a county not having a consolidated city.

(2) After December 31, 2012:

(A) the chief executive officer, in a county subject to IC 36-2-2.5;

(B) the board of county supervisors, in a county subject to IC 36-2-3.8; or

(C) the board of commissioners in a county:

(i) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(ii) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.

~~(2)~~ **(3) The** mayor of the consolidated city, for a county having a consolidated city.

~~(3)~~ **(4) The** mayor of a city. ~~or~~

~~(4)~~ **(5) The** president of the town council of a town.

(b) This subsection applies to a county not having a consolidated city (excluding a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)), in which a majority of voters approve a reorganization

of county government in a public question under IC 36-2-3.9-8.
Effective January 1 following the election of the county executive,
"executive" means:

- (1) the chief executive officer elected under IC 36-2-2.5 (in a county subject to IC 36-2-2.5); or
- (2) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);

as determined by the voters of the county under IC 36-2-3.9-8."

Page 10, delete lines 1 through 8.

Page 10, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 13. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. **(a) Except as provided in subsection (b), "executive" means the following:**

(1) **Before January 1, 2013, the** board of commissioners for a county not having a consolidated city.

(2) After December 31, 2012:

(A) the chief executive officer, in a county subject to IC 36-2-2.5;

(B) the board of county supervisors, in a county subject to IC 36-2-3.8; or

(C) the board of commissioners in a county:

(i) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(ii) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.

~~(2)~~ **(3) The mayor of the consolidated city, for a county having a consolidated city.**

~~(3)~~ **(4) The mayor, for a city.**

~~(4)~~ **(5) The president of the town council, for a town.**

~~(5)~~ **(6) The trustee, for a township.**

~~(6)~~ **(7) The superintendent, for a school corporation. or**

~~(7)~~ **(8) The chief executive officer, for any other political subdivision.**

(b) This subsection applies to a county not having a consolidated city (excluding a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)), in which a majority of voters approve a reorganization of county government in a public question under IC 36-2-3.9-8. Effective January 1 following the election of the county executive, "executive" means:

(1) the chief executive officer elected under IC 36-2-2.5 (in a county subject to IC 36-2-2.5); or

(2) the board of county supervisors elected under IC 36-2-3.8

1 **(in a county subject to IC 36-2-3.8);**
 2 **as determined by the voters under IC 36-2-3.8-8.**

3 SECTION 14. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2009]: Sec. 9. **(a) Except as provided in subsection (b),**
 6 "legislative body" means the following:

7 **(1) Before January 1, 2013:**

8 **(A) the board of county commissioners, for a county not**
 9 **subject to IC 36-2-3.5 or IC 36-3-1; or**

10 ~~**(B) the county council, for a county subject to IC 36-2-3.5.**~~

11 **(2) After December 31, 2012, for a county not having a**
 12 **consolidated city:**

13 **(A) the board of county commissioners, for a county:**

14 **(i) in which the voters determine in a public question**
 15 **under IC 36-2-3.9 in 2010 to not reorganize county**
 16 **government and in which the county has not reorganized**
 17 **county government under IC 36-2-3.9-8; and**

18 **(ii) that does not have a population of more than two**
 19 **hundred thousand (200,000) but less than three hundred**
 20 **thousand (300,000);**

21 **(B) the county council, for a county subject to IC 36-2-3.7;**

22 **(C) the county council, for a county having a population of**
 23 **more than four hundred thousand (400,000) but less than**
 24 **seven hundred thousand (700,000);**

25 **(D) the county council, for a county:**

26 **(i) in which the voters determine in a public question**
 27 **under IC 36-2-3.9 in 2010 to not reorganize county**
 28 **government and in which the county has not reorganized**
 29 **county government under IC 36-2-3.9-8; and**

30 **(ii) that has a population of more than two hundred**
 31 **thousand (200,000) but less than three hundred thousand**
 32 **(300,000); or**

33 **(E) the board of county supervisors, for a county subject to**
 34 **IC 36-2-3.8.**

35 **(3) The city-county council, for a consolidated city or county**
 36 **having a consolidated city.**

37 **(4) The common council, for a city other than a consolidated city.**

38 **(5) The town council, for a town.**

39 **(6) The township board, for a township.**

40 **(7) The governing body of any other political subdivision that has**
 41 **a governing body. or**

42 **(8) The chief executive officer of any other political subdivision**
 43 **that does not have a governing body.**

44 **(b) This subsection applies to a county not having a consolidated**
 45 **city (excluding a county having a population of more than four**
 46 **hundred thousand (400,000) but less than seven hundred thousand**
 47 **(700,000)), in which a majority of voters approve a reorganization**

of county government in a public question under IC 36-2-3.9-8. Effective January 1 following the election of the county executive, "legislative body" means:

- (1) the county council (in a county subject to IC 36-2-3.7); or
- (2) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);

as determined by the voters of the county under IC 36-2-3.9-8."

Page 11, delete lines 1 through 20.

Page 12, delete lines 1 through 2, begin a new line block indented and insert:

"(3) By the following:

(A) The county executive in a county:

- (i) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8; and**
- (ii) that is not subject to IC 36-2-3.5.**

(B) The county legislative body, for all other counties."

Page 12, line 23, delete "The" and insert "Except as provided in subsection (c), the".

Page 12, delete lines 36 through 39, begin a new line block indented and insert:

"(2) the clerk of each of the other political subdivisions named in the petition; and

(3) the:

- (A) circuit court judge of the county in which the political subdivisions are located (if a county is named in the petition); or**

- (B) county executive of the county in which the political subdivisions are located (if a county is not named in the petition).**

(c) Notwithstanding any other law, the voters of a political subdivision may not initiate a proposed reorganization that includes any of the following:

- (1) A county other than the county in which the political subdivision is located.**

- (2) A political subdivision located in a different county."**

Page 14, line 3, delete "circuit court clerk of the" and insert "county executive of the county in which the most populous political subdivision named in the reorganization resolution or petition is located (if a county is not named in the resolution or petition) or the circuit court judge of the county in which the most populous political subdivision named in the reorganization resolution or petition is located (if a county is named in the reorganization resolution or petition)".

Page 14, delete line 4.

Page 14, line 5, delete "the reorganization resolution or petition is

1 located".

2 Page 14, line 19, delete "The clerk of the" and insert "**The county**
 3 **executive of the county in which the most populous political**
 4 **subdivision named in the reorganization resolution or petition is**
 5 **located (if a county is not named in the reorganization resolution**
 6 **or petition) or the circuit court judge of the county in which the**
 7 **most populous political subdivision named in the reorganization**
 8 **resolution or petition is located (if a county is named in the**
 9 **reorganization resolution or petition) shall appoint to a**
 10 **reorganization committee"**.

11 Page 14, delete line 20.

12 Page 14, line 21, delete "appoint to a reorganization committee".

13 Page 14, line 28, reset in roman "appointing authority."

14 Page 14, line 28, delete "clerk of the circuit court."

15 Page 15, delete lines 8 through 42, begin a new paragraph and
 16 insert:

17 "SECTION 23. IC 36-1.5-4-18, AS ADDED BY P.L.186-2006,
 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2009]: Sec. 18. (a) A reorganization committee shall prepare
 20 a comprehensive plan of reorganization for the reorganizing political
 21 subdivisions. The plan of reorganization governs the actions, duties,
 22 and powers of the reorganized political subdivision that are not
 23 specified by law.

24 (b) The plan of reorganization must include at least the following:

25 (1) The name and a description of the reorganized political
 26 subdivision that will succeed the reorganizing political
 27 subdivisions.

28 (2) A description of the boundaries of the reorganized political
 29 subdivision.

30 (3) Subject to section 40 of this chapter, a description of the
 31 taxing areas in which taxes to retire obligations of the
 32 reorganizing political subdivisions will be imposed.

33 (4) A description of the membership of the legislative body, fiscal
 34 body, and executive of the reorganized political subdivision, a
 35 description of the election districts or appointment districts from
 36 which officers will be elected or appointed, and the manner in
 37 which the membership of each elected or appointed office will be
 38 elected or appointed.

39 (5) A description of the services to be offered by the reorganized
 40 political subdivision and the service areas in which the services
 41 will be offered.

42 (6) The disposition of the personnel, the agreements, the assets,
 43 and, subject to section 40 of this chapter, the liabilities of the
 44 reorganizing political subdivisions, including the terms and
 45 conditions upon which the transfer of property and personnel will
 46 be achieved.

47 (7) Any other matter that the:

- 1 (A) reorganization committee determines to be necessary or
 2 appropriate; or
 3 (B) legislative bodies of the reorganizing political subdivisions
 4 require the reorganization committee;
 5 to include in the plan of reorganization.
- 6 (8) In the case of a reorganization described in section 1(a)(9) of
 7 this chapter, if the legislative bodies of the reorganizing political
 8 subdivisions have specified that the vote on the public question
 9 regarding the reorganization shall be conducted on a countywide
 10 basis under section 30(b) of this chapter with a rejection
 11 threshold, the reorganization committee shall include in the
 12 reorganization plan a rejection threshold ~~specified as a~~
 13 ~~percentage~~, **equivalent to a simple majority** that applies for
 14 purposes of section 32(b) of this chapter. The rejection threshold
 15 must be the same for each municipality that is a party to the
 16 proposed reorganization and to the county that is a party to the
 17 proposed reorganization.
- 18 (9) In the case of a reorganization described in section 1(a)(9) of
 19 this chapter, the reorganization committee shall determine and
 20 include in the reorganization plan the percentage of voters voting
 21 on the public question regarding the proposed reorganization who
 22 must vote, on a countywide basis, in favor of the proposed
 23 reorganization for the public question to be approved. This
 24 percentage is referred to in this chapter as the "countywide vote
 25 approval percentage". The countywide vote approval percentage
 26 must be ~~greater than fifty percent (50%)~~; **equivalent to a simple**
 27 **majority**.
- 28 (c) In the case of a reorganization described in section 1(a)(9) of this
 29 chapter, the reorganization committee may not change the decision of
 30 the legislative bodies of the reorganizing political subdivisions
 31 regarding whether the vote on the public question regarding the
 32 reorganization shall be conducted on a countywide basis without a
 33 rejection threshold or with a rejection threshold.
- 34 (d) **This subsection applies only to a reorganization initiated by**
 35 **a legislative body under section 10 of this chapter.** Upon completion
 36 of the plan of reorganization, the reorganization committee shall
 37 present the plan of reorganization to the legislative body of each of the
 38 reorganizing political subdivisions for adoption. The initial plan of
 39 reorganization must be submitted to the legislative body of each of the
 40 reorganizing political subdivisions not later than one (1) year after the
 41 clerk of the last political subdivision that adopts a reorganization
 42 resolution under this chapter has certified the resolution to all of the
 43 political subdivisions named in the resolution.
- 44 (e) **In the case of a reorganization initiated by the voters of a**
 45 **political subdivision under section 11 of this chapter, the**
 46 **reorganization committee shall hold at least one (1) public hearing**
 47 **on the plan of reorganization in each political subdivision named**

- 1 in the petition."
- 2 Delete page 16.
- 3 Page 17, delete lines 1 through 14.
- 4 Page 19, line 6, delete "each" and insert **"the"**.
- 5 Page 19, line 6, delete "a" and insert **"the"**.
- 6 Page 19, line 7, delete "subdivision is" and insert **"subdivisions**
- 7 **are"**.
- 8 Page 19, line 8, delete "each" and insert **"the"**.
- 9 Page 19, line 8, delete "a" and insert **"the"**.
- 10 Page 19, line 9, delete "subdivision is" and insert **"subdivisions**
- 11 **are"**.
- 12 Page 21, between lines 32 and 33, begin a new paragraph and insert:
- 13 "SECTION 34. IC 36-1.5-4-32, AS ADDED BY P.L.186-2006,
- 14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2009]: Sec. 32. (a) This subsection does not apply to a
- 16 reorganization described in section 1(a)(9) of this chapter. A
- 17 reorganization as specified in the plan of reorganization is approved if
- 18 a majority of the voters in each reorganizing political subdivision
- 19 voting on the public question approve the public question on the
- 20 reorganization. The vote of voters of a reorganizing political
- 21 subdivision (for example, a city) who also are voters in a second
- 22 reorganizing political subdivision (for example, a township) that is
- 23 geographically larger than the first political subdivision and that
- 24 includes the territory of the first political subdivision shall be included
- 25 only in the tally of votes for the first reorganizing political subdivision
- 26 in which the voters reside.
- 27 (b) This subsection applies only to a reorganization described in
- 28 section 1(a)(9) of this chapter. The reorganization is approved only if:
- 29 (1) the percentage of voters voting on the public question who
- 30 vote, on a countywide basis, in favor of the proposed
- 31 reorganization is ~~at least equal to the~~ **equivalent to a** countywide
- 32 vote approval percentage, ~~specified in the final reorganization~~
- 33 ~~plan; which is a simple majority;~~
- 34 (2) if the legislative bodies of the reorganizing political
- 35 subdivisions have agreed that the vote on the public question shall
- 36 be conducted with a rejection threshold, the percentage of voters
- 37 of the county (excluding the voters of the reorganizing
- 38 municipalities) voting on the public question who vote against the
- 39 reorganization is less than ~~the rejection threshold included in the~~
- 40 ~~final reorganization plan; a simple majority; and~~
- 41 (3) if the legislative bodies of the reorganizing political
- 42 subdivisions have agreed that the vote on the public question shall
- 43 be conducted with a rejection threshold, the percentage of voters
- 44 of each reorganizing municipality voting on the public question
- 45 who vote against the reorganization is less than ~~the rejection~~
- 46 ~~threshold included in the final reorganization plan; a simple~~
- 47 **majority.**

If the reorganization is not approved, the reorganization is terminated. If the legislative bodies of the reorganizing political subdivisions have agreed that the vote in the public question shall be conducted with a rejection threshold, then in tabulating the votes under subdivisions (2) and (3), the vote of voters of a reorganizing municipality who also are voters in the county shall be included only in the tally of votes for the municipality in which the voters reside."

Page 21, delete lines 37 through 39, begin a new paragraph and insert:

"(b) After December 31, 2012, this chapter applies only to a county:

- (1) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or**
- (2) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8."**

Page 22, line 8, delete "legislative body" and insert "executive".

Page 22, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 35. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 2.5. County Chief Executive Officer

Sec. 1. (a) Except as provided in subsection (b), and as specifically provided by law, this chapter applies after December 31, 2012, to each county:

- (1) that does not have a consolidated city; and**
- (2) in which the county executive makes a determination under IC 36-2-2.4 that the county executive is a single county chief executive officer.**

(b) Except as specifically provided by law, this chapter applies to each county:

- (1) that does not have a consolidated city; and**
- (2) in which a majority of the voters voting on the public question under IC 36-2-3.9-8 make a determination;**

that the county executive is a single county chief executive officer. This chapter applies to a county on January 1 following the election of the single county chief executive officer.

(c) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. As used in this chapter, "chief executive officer" means the chief executive officer elected under IC 3-10-2-13:

- (1) in 2012 and every four (4) years thereafter, in a county described in section 1(a) of this chapter; or**
- (2) at the next general election following the year the public**

question was held and every four (4) years thereafter, in a county described in section 1(b) of this chapter.

Sec. 3. (a) This section applies to a county subject to section 1(a) of this chapter.

(b) In a county subject to section 1(a) of this chapter:

(1) the voters of the county:

(A) shall elect one (1) chief executive officer in 2012 and every four (4) years thereafter; and

(B) shall not elect a board of county commissioners; under IC 3-10-2-13;

(2) the board of county commissioners for the county is abolished December 31, 2012;

(3) notwithstanding IC 36-2-2-3, the term of each county commissioner elected in 2010 is two (2) years rather than four (4) years; and

(4) notwithstanding IC 36-2-2-3, the term of each county commissioner serving on December 31, 2012, expires January 1, 2013.

(c) The term of office of the initial county chief executive officer:

(1) is four (4) years; and

(2) begins January 1, 2013.

Sec. 4. (a) This section applies to a county subject to section 1(b) of this chapter.

(b) In a county subject to section 1(b) of this chapter:

(1) the voters of the county:

(A) shall elect one (1) chief executive officer in the general election next following the year that the public question was held and every four (4) years thereafter; and

(B) shall not elect a board of county commissioners; under IC 3-10-2-13;

(2) the board of county commissioners for the county is abolished December 31 of the year in which the general election is held to elect the county chief executive officer; and

(3) notwithstanding IC 36-2-2-3, the term of each county commissioner serving on December 31 of the year in which the general election is held to elect the county chief executive officer expires January 1 of the next year.

Sec. 5. (a) The term of office of a county chief executive officer is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(b) To be eligible for election as the chief executive officer, an individual must meet the qualifications prescribed by IC 3-8-1-21. If an individual does not remain a resident of the county after taking office as the chief executive officer, the individual forfeits the office. The county legislative body shall declare the office vacant whenever the chief executive officer forfeits office under this subsection.

Sec. 6. (a) On January 1 following the year of the election of the

1 county chief executive officer, all of the property, assets, funds,
2 equipment, records, rights, contracts, obligations, and liabilities of
3 the board of county commissioners of a county are transferred to
4 or assumed by the chief executive officer.

5 (b) The abolishment of the board of county commissioners of a
6 county on January 1, following the year of the election of the
7 county chief executive officer, does not invalidate:

8 (1) any ordinances, resolutions, fees, schedules, or other
9 actions adopted or taken by the board of county
10 commissioners before January 1; or

11 (2) any appointments made by the board of county
12 commissioners before January 1.

13 Sec. 7. (a) All powers and duties of the county that are executive
14 or administrative in nature shall be exercised or performed by the
15 chief executive officer, except to the extent that these powers and
16 duties are expressly assigned by law to another elected or
17 appointed officer. The chief executive officer shall transact the
18 business of the county in the name of "The Chief Executive Officer
19 of the County of _____".

20 (b) For purposes of a county subject to this chapter, after
21 December 31 of the year a county chief executive officer is elected,
22 any reference:

23 (1) in the Indiana Code;

24 (2) in the Indiana Administrative Code; or

25 (3) in an ordinance or resolution;

26 to the board of commissioners pertaining to the executive powers
27 of a county shall be considered a reference to the chief executive
28 officer of the county. For purposes of a county subject to this
29 chapter, after December 31 of the year a county chief executive
30 officer is elected, any reference in the Indiana Code related to the
31 executive powers and duties of the board of county commissioners
32 shall, for purposes of a county subject to this chapter, be
33 considered a reference to the powers and duties of the chief
34 executive officer of the county.

35 (c) The county council has the legislative powers and duties of
36 the county as provided in IC 36-2-3.7".

37 Delete page 23.

38 Page 24, delete lines 1 through 19.

39 Page 24, line 20, delete "5." and insert "8.".

40 Page 25, line 27, delete "6." and insert "9.".

41 Page 26, line 9, delete "7." and insert "10.".

42 Page 26, line 20, delete "8." and insert "11.".

43 Page 26, line 40, delete "9." and insert "12.".

44 Page 27, line 2, delete "10." and insert "13.".

45 Page 27, line 17, delete "11." and insert "14.".

46 Page 27, line 19, delete "12." and insert "15.".

47 Page 27, line 22, delete "13." and insert "16.".

- 1 Page 27, line 36, delete "14." and insert "17".
- 2 Page 27, line 39, delete "15." and insert "18".
- 3 Page 28, line 20, delete "16." and insert "19".
- 4 Page 28, line 20, delete "15" and insert "18".
- 5 Page 28, line 23, delete "15" and insert "18".
- 6 Page 28, line 30, delete "17." and insert "20".
- 7 Page 28, line 36, delete "18." and insert "21".
- 8 Page 29, line 1, delete "19." and insert "22".
- 9 Page 29, line 7, delete "20." and insert "23".
- 10 Page 29, delete lines 12 through 42, begin a new paragraph and
- 11 insert:
- 12 "SECTION 36. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,
- 13 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2009]: Sec. 4. (a) This subsection does not apply to a county
- 15 having a population of:
- 16 (1) more than four hundred thousand (400,000) but less than
- 17 seven hundred thousand (700,000); or
- 18 (2) more than two hundred thousand (200,000) but less than three
- 19 hundred thousand (300,000).
- 20 The county executive (**before January 1, 2013**), **the county executive**
- 21 **(after December 31, 2012)** of a county in which the voters
- 22 **determine in a public question under IC 36-2-3.9 in 2010 to not**
- 23 **reorganize county government and in which the county has not**
- 24 **reorganized county government under IC 36-2-3.9-8, or the**
- 25 **legislative body of the county (after December 31, 2012) of a county**
- 26 **subject to IC 36-2-3.7 or IC 36-2-3.8)** shall, by ordinance, divide the
- 27 county into four (4) contiguous, single-member districts that comply
- 28 with subsection (d). If necessary, the county auditor shall call a special
- 29 meeting of the executive (**before January 1, 2013**), **the county**
- 30 **executive (after December 31, 2012)** of a county in which the voters
- 31 **determine in a public question under IC 36-2-3.9 in 2010 to not**
- 32 **reorganize county government and in which the county has not**
- 33 **reorganized county government under IC 36-2-3.9-8, or the**
- 34 **legislative body of the county (after December 31, 2012) of a county**
- 35 **subject to IC 36-2-3.7 or IC 36-2-3.8)** to establish or revise districts.
- 36 One (1) member of the fiscal body shall be elected by the voters of
- 37 each of the four (4) districts. Three (3) at-large members of the fiscal
- 38 body shall be elected by the voters of the whole county.
- 39 (b) This subsection applies to a county having a population of more
- 40 than four hundred thousand (400,000) but less than seven hundred
- 41 thousand (700,000). The county redistricting commission established
- 42 under IC 36-2-2-4 shall divide the county into seven (7) single-member
- 43 districts that comply with subsection (d). One (1) member of the fiscal
- 44 body shall be elected by the voters of each of these seven (7)
- 45 single-member districts.
- 46 (c) This subsection applies to a county having a population of more
- 47 than two hundred thousand (200,000) but less than three hundred

thousand (300,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

(g) This subsection applies after December 31, 2012, to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). A court may issue an order, before final hearing, to stay an election if there is sufficient evidence to withstand a motion for summary judgment that the county has not been divided into districts that comply with this section. A preliminary hearing on the question may be held upon the court's own motion. Final judgment on the merits in such a case shall be made not later than thirty (30) days after the stay of election order. If the redistricting is found not to be in compliance with law, the court shall retain jurisdiction and shall order the proper officials to submit not later than thirty (30) days a redistricting plan complying with law. If the proper officials fail to comply with the order, the court shall order the Indiana election commission to divide the county into districts in compliance with law.

SECTION 37. IC 36-2-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Before January 1, 2013**, this chapter applies to:

(1) a county having a population of:

(A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and

(2) any other county not having a consolidated city, if both the

county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

(b) After December 31, 2012, this chapter applies only to:

(1) a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), if the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and the county has not reorganized county government under IC 36-2-3.9-8."

Delete page 30.

Page 31, delete lines 1 through 6.

Page 31, delete lines 11 through 19, begin a new paragraph and insert:

"Sec. 1. (a) This chapter applies:

(1) after December 31, 2012, to a county that has a board of county supervisors elected under IC 36-2-3.8 as the county executive, legislative body, and fiscal body; and

(2) after December 31 of the year in which a board of county supervisors is elected under IC 36-2-3.8 as the county executive, legislative body, and fiscal body if a majority of the voters determined under IC 36-2-3.9-8 to elect a board of county supervisors.

(b) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. (a) The board of county supervisors of a county subject to this chapter must after December 31 of the year that a board of supervisors is elected, employ a county manager to be the administrative head of the county government."

Page 32, between lines 38 and 39, begin a new paragraph and insert:

"Sec. 10. (a) As used in this section, "relative" means:

(1) a husband;

(2) a wife;

(3) a father;

(4) a mother;

(5) a son or son-in-law;

(6) a daughter or daughter-in-law;

(7) a brother;

(8) a sister;

(9) an aunt;

(10) an uncle;

(11) a niece; or

(12) a nephew.

1 **(b) Except as provided in subsection (e), an individual who is a**
 2 **relative of a member of the board of county supervisors may not be**
 3 **appointed to serve as county manager for the county.**

4 **(c) Except as provided in subsection (f), an individual who is a**
 5 **relative of an appointed county manager may not:**

6 **(1) be employed in any position with the office of the county**
 7 **manager; or**

8 **(2) receive any compensation for services from the office of**
 9 **county manager.**

10 **(d) An individual may not be employed in the office of county**
 11 **manager in a position in which the individual would have a direct**
 12 **supervisory or subordinate relationship with the individual's**
 13 **relative.**

14 **(e) This section does not apply to an individual employed as**
 15 **county manager for at least twelve (12) consecutive months before**
 16 **the election or appointment of the individual's relative as a**
 17 **member of the board of county supervisors.**

18 **(f) This section does not apply to an individual employed in the**
 19 **office of county manager for at least twelve (12) consecutive**
 20 **months before the appointment of the individual's relative as the**
 21 **county manager.**

22 **(g) This section does not require the termination or**
 23 **reassignment of any employee of a political subdivision from any**
 24 **position held by that individual before January 1, 2013."**

25 Page 33, delete lines 1 through 13, begin a new paragraph and
 26 insert:

27 **"Sec. 1. (a) This chapter applies after December 31, 2012, to**
 28 **each county in which the county executive makes a determination**
 29 **under IC 36-2-2.4 that the county executive is a single elected chief**
 30 **executive officer.**

31 **(b) This chapter also applies to each county in which a majority**
 32 **of the voters voting on the public question under IC 36-2-3.9-8**
 33 **make a determination that the county executive is a single elected**
 34 **chief executive officer. In a county described in this subsection, this**
 35 **chapter applies after December 31 of the year a county council is**
 36 **elected.**

37 **(c) This chapter does not apply to a county that:**

38 **(1) has a consolidated city; or**

39 **(2) has a population of more than four hundred thousand**
 40 **(400,000) but less than seven hundred thousand (700,000)."**

41 Page 33, delete lines 21 through 28, begin a new paragraph and
 42 insert:

43 **"Sec. 4. After December 31 of the year in which a county council**
 44 **is elected under IC 36-2-3:**

45 **(1) the county council is the county legislative body as well as**
 46 **the county fiscal body; and**

47 **(2) the chief executive officer is the county executive of the**
 48 **county and has the executive and administrative powers and**

duties of the county as provided in IC 36-2-2.5."

Page 34, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 40. IC 36-2-3.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 3.8. Board of County Supervisors as County Executive, County Legislative Body, and County Fiscal Body

Sec. 1. (a) Except as specifically provided by law, this chapter applies to the following:

(1) After December 31, 2012, to each county in which:

(A) the county executive makes a determination under IC 36-2-2.4; or

(B) a majority of the voters voting on the public question in the 2010 general election under IC 36-2-3.9 make a determination;

that the board of county supervisors is the county executive, the county legislative body, and the county fiscal body.

(2) Each county in which a majority of voters voting on a public question under IC 36-2-3.9-8 determines that the board of county supervisors is the county executive, the county legislative body, and the county fiscal body. This chapter applies to a county under this subdivision after December 31 of the year in which a board of county supervisors is elected.

(b) This chapter does not apply to a county:

(1) that has a consolidated city; or

(2) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. In a county subject to this chapter, the board of county supervisors:

(1) is the county executive, the county legislative body, and the county fiscal body;

(2) shall exercise the executive, legislative, and fiscal powers of the county;

(3) has the same executive and administrative powers and duties as are specified for a chief executive officer in a county subject to IC 36-2-2.5;

(4) has the same legislative powers and duties as are specified for a county council in a county subject to IC 36-2-3.7; and

(5) has the same fiscal powers and duties as are specified for a county council under IC 36-2-3.

Sec. 3. (a) In a county subject to this chapter, the voters of the county shall elect a board of county supervisors under the provisions of IC 36-2-3 that apply to the election of a county council.

(b) In a county described in section 1(a)(1) of this chapter:

(1) the board of county commissioners for the county is abolished January 1, 2013;

(2) notwithstanding IC 36-2-2, the term of each county commissioner elected in 2010 is two (2) years rather than four (4) years;

(3) notwithstanding IC 36-2-2, the term of each county commissioner serving on December 31, 2012, expires at the end of that day;

(4) notwithstanding IC 36-2-3, the term of each county council member elected in 2010 is two (2) years rather than four (4) years; and

(5) notwithstanding IC 36-2-3, the term of each county council member serving on December 31, 2012, expires at the end of that day.

(c) In a county described in section 1(a)(2) of this chapter:

(1) the board of county commissioners for the county is abolished January 1, after a board of county supervisors is elected;

(2) notwithstanding IC 36-2-2, the term of each county commissioner serving on December 31 of the year that a board of county supervisors is elected expires at the end of that day; and

(3) notwithstanding IC 36-2-3, the term of each county council member serving on December 31 of the year that a board of county supervisors is elected expires at the end of that day.

(d) Except as provided in subsections (e), (f), (g), and (h), the term of office of a board of county supervisors member elected under this chapter is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(e) This subsection applies only to a county under section 1(a)(1) of this chapter. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected at-large in 2012 shall be two (2) years, beginning January 1, 2013, and continuing until a successor is elected and qualified. For board of county supervisors members elected at-large in 2014 and thereafter, the term of office is four (4) years.

(f) This subsection applies only to a county under section 1(a)(2) of this chapter. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected at-large shall be two (2) years, beginning January 1 after the year the board of county supervisors is elected, and continuing until a successor is elected and qualified. For board of county supervisors members elected at-large in the next general election and thereafter, the term of office is four (4) years.

(g) This subsection applies if this chapter applies to a county under section 1(a)(1) of this chapter having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) that has board of county supervisors members elected from nine (9) single-member districts. To provide for staggered terms, the term of office of the initial members of the

board of county supervisors elected under this chapter in 2012 from four (4) districts (as specified by the county council before January 1, 2012) shall be four (4) years, beginning January 1, 2013, and continuing until a successor is elected and qualified, and the initial term of office of the initial members of the board of county supervisors elected under this chapter in 2012 from the other five (5) districts (as specified by the county council before January 1, 2012) shall be two (2) years.

(h) This subsection applies if this chapter applies to a county under section 1(a)(2) of this chapter having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) that has board of county supervisors members elected from nine (9) single-member districts. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected under this chapter in the general election from four (4) districts (as specified by the county council before January 1 of the year the general election is held) shall be four (4) years, beginning January 1 of the year following the election of the board of county supervisors and continuing until a successor is elected and qualified. The initial term of office of the initial members of the board of county supervisors elected under this chapter in the general election from the other five (5) districts (as specified by the county council before January 1 of the year of the general election) shall be two (2) years.

Sec. 4. (a) On January 1 after the election of the board of supervisors in a county subject to this chapter, all of the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county commissioners of a county are transferred to or assumed by the board of county supervisors.

(b) The abolishment of the board of county commissioners of a county on January 1 after the election of the board of supervisors does not invalidate:

- (1) any ordinances, resolutions, fees, schedules, or other actions adopted or taken by the board of county commissioners before January 1; or
- (2) any appointments made by the board of county commissioners before January 1.

Sec. 5. (a) For purposes of a county subject to this chapter, after December 31 of the year a board of county supervisors is elected, any reference:

- (1) in the Indiana Code;
- (2) in the Indiana Administrative Code; or
- (3) in an ordinance or resolution;

to the board of commissioners pertaining to the executive powers of a county shall be considered a reference to the board of county supervisors of the county. For purposes of a county subject to this chapter, after December 31 of a year a board of county supervisors is elected, any reference in the Indiana Code related to the

1 executive powers and duties of the board of county commissioners
 2 shall, for purposes of a county subject to this chapter, be
 3 considered a reference to the powers and duties of the board of
 4 county supervisors of the county.

5 (b) For purposes of a county subject to this chapter, after
 6 December 31 of the year a board of county supervisors is elected,
 7 any reference:

8 (1) in the Indiana Code;

9 (2) in the Indiana Administrative Code; or

10 (3) in an ordinance or resolution;

11 to the county council shall be considered a reference to the board
 12 of county supervisors of the county. For purposes of a county
 13 subject to this chapter, after December 31 of the year a board of
 14 county supervisors is elected, any reference in the Indiana Code
 15 related to the legislative and fiscal powers and duties of the county
 16 council shall, for purposes of a county subject to this chapter, be
 17 considered a reference to the powers and duties of the board of
 18 county supervisors of the county."

19 Delete pages 35 through 36.

20 Page 37, delete lines 1 through 5.

21 Page 37, line 18, delete "legislative body" and insert "executive".

22 Page 37, line 22, delete "legislative body" and insert "executive".

23 Page 37, between lines 23 and 24, begin a new line block indented
 24 and insert:

25 "(3) A county in which voters petition for a public question
 26 under section 8 of this chapter to decide the structure of
 27 county government."

28 Page 37, delete lines 24 through 42, begin a new paragraph and
 29 insert:

30 "Sec. 3. In a county to which this chapter applies, the following
 31 public question shall be placed on the ballot at the 2010 general
 32 election held in the county:

33 "Choose only one of the following options for the
 34 reorganization of the county government of (insert the name
 35 of the county) County:

36 () The county government shall be reorganized to place
 37 executive, legislative, and fiscal powers in a board of
 38 county supervisors.

39 () The county government shall not be reorganized."

40 Sec. 4. IC 3, except where inconsistent with this chapter, applies
 41 to a public question placed on the ballot under this chapter.

42 Sec. 5. A political subdivision may not do any of the following
 43 concerning a public question under this chapter:

44 (1) Allow facilities or equipment, including mail and
 45 messaging systems, owned by the political subdivision to be
 46 used for public relations purposes to promote a position on
 47 the public question under this chapter.

1 (2) Make an expenditure of money from a fund controlled by
2 the political subdivision to promote a position on the public
3 question under this chapter.

4 (3) Use an employee to promote a position on the public
5 question under this chapter during the employee's normal
6 working hours or paid overtime, or otherwise compel an
7 employee to promote a position on the public question under
8 this chapter at any time.

9 Sec. 6. If a majority of the voters who vote on the public
10 question at the 2010 general election vote in favor of reorganizing
11 county government to place executive, legislative, and fiscal powers
12 in a board of county supervisors, IC 36-2-3.8 applies to the county.

13 Sec. 7. If a majority of the voters who vote on the public
14 question at the 2010 general election vote in favor of not
15 reorganizing the county government, the following apply to the
16 county:

17 (1) IC 36-2-2.

18 (2) IC 36-2-3.

19 (3) IC 36-2-3.5, for a county having a population of more than
20 two hundred thousand (200,000) but less than three hundred
21 thousand (300,000).

22 Sec. 8. (a) The voters of the county may file a written petition
23 with the circuit court clerk of the county requesting that a local
24 public question applicable to the county under subsection (c), be
25 placed on the ballot for a general election held not earlier than
26 eight (8) years after the year of the general election at which the
27 most recent public question under this chapter was held. The
28 petition must:

29 (1) be signed by at least five percent (5%) of the voters of the
30 county, as determined by the vote cast in the county for
31 secretary of state at the most recent general election;

32 (2) state the public question that shall be placed on the ballot
33 under subsection (c) of this chapter; and

34 (3) be substantially in the form prescribed by the department
35 of local government finance.

36 The circuit court clerk shall certify the petition to the county
37 council of the county.

38 (b) If the requirements in subsection (a) are satisfied, the county
39 election board shall place the local public question on the ballot in
40 the county during the general election.

41 (c) A public question put on the ballot under this section must
42 be one (1) of the following, as determined in the petition under this
43 section:

44 (1) "Choose only one of the following options for the
45 reorganization of the county government of (insert the name
46 of the county) County:

47 () The county government shall be reorganized to place
48 executive, legislative, and fiscal powers in a board of

- 1 county supervisors.
- 2 () The county government shall not be reorganized.".
- 3 (2) "Choose only one of the following options for the
- 4 reorganization of the county government of (insert the name
- 5 of the county) County:
- 6 () The county government shall be reorganized to place
- 7 executive powers in a single elected county executive and
- 8 to place legislative and fiscal powers in the county council.
- 9 () The county government shall not be reorganized.".
- 10 (d) If a majority of the voters who vote on a public question vote
- 11 in favor of reorganizing county government, the following apply:
- 12 (1) If the vote is in favor of placing executive, legislative, and
- 13 fiscal powers in a board of county supervisors, IC 36-2-3.8
- 14 applies to the county.
- 15 (2) If the vote is in favor of placing executive powers in a
- 16 single elected county executive and placing legislative and
- 17 fiscal powers in the county council, IC 36-2-2.5 applies to the
- 18 county.
- 19 (e) If a majority of the voters who vote on the public question
- 20 vote in favor of not reorganizing county government, the law
- 21 applicable to the county's structure of government continues to
- 22 apply.".
- 23 Page 38, delete lines 1 through 6.
- 24 Page 39, delete lines 14 through 42.
- 25 Delete page 40.
- 26 Page 41, delete lines 1 through 17.
- 27 Renumber all SECTIONS consecutively.
- (Reference is to SB 506 as printed February 6, 2009.)

Senator BOOTS